

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SPIRE STL PIPELINE LLC,

Plaintiff,

v.

GERALD SCOTT TURMAN, *et al*,

Defendants.

Case No. 3:18-CV-1502-SPM

ORDER

McGLYNN, District Judge:

Pending before the Court is Spire STL Pipeline LLC’s (“Spire STL”) Motion for Summary Judgment on Count I that was filed pursuant to Fed. R. Civ. P 56 (Doc. 294). For the reason’s set forth below, the Court **GRANTS** the Motion for Summary Judgment.

BACKGROUND

On August 15, 2018, Spire STL filed a fourteen (14) count Eminent Domain Complaint wherein Count I was directed against Gerald Scott Turman (“Turman”) and 3.25 total acres more or less of real property owned by Turman and located in Jersey County, Illinois (Doc. 1). Shortly thereafter, Spire STL amended the Eminent Domain Complaint, adding a fifteenth (15) count; however, Count I was unchanged (Doc. 89).

This action was brought pursuant to the Federal Natural Gas Act (“NGA”). Under the NGA, federal rules and procedures apply to Eminent Domain actions; however, state substantive law applies. As such, the only question for a jury to decide is the just compensation to be paid to the owner for the easement sought to be

condemned.

In December 2018, this Court confirmed Spire STL's right to condemn both personal and temporary easements described in the exhibits to the Eminent Domain Complaint and Amended Complaint (Doc. 135). In compliance with the Order, Spire STL deposited \$732,244.00 with the Clerk of the Court on December 20, 2018, which was then deposited into an interest-bearing account¹ (Doc. 138). The amount of bond initially deposited and attributable to Turman and Count I was \$42,818.00 (twice the combined estimated appraised value of \$21,409.00) (Doc. 100-1).

On December 19, 2019, counsel for Turman petitioned this Court to withdraw one-times the amount of bond posted due Turman as compensation for the easement interests sought, plus interest that had accrued to date (Doc. 182). Consequently, on or about January 22, 2020, this Court ordered that \$21,409.00 plus \$476.00 in interest be dispersed to counsel for Turman (Doc. 188).

On May 16, 2023, the Court determined that only Count I remained; therefore, this matter was set for a status hearing at which Turman was ordered to appear (Doc. 286). On May 31, 2023, Spire STL and Turman attended in the status conference and discussed the future handling and/or resolution of this matter (d/e 290). Spire STL indicated its intent to file a motion for summary judgment as to Count I and Turman conceded said motion, not wanting this matter to unnecessarily languish².

¹ This amount was twice the combined estimated appraised value of the subject parcels as shown on the table attached as Exhibit A to Spire STL's Memorandum in Support of the Preliminary Injunction (Doc. 100-1).

² It is important to note that Turman had another Eminent Domain matter with Spire STL in the Central District of Illinois that was also resolved via summary judgment (CDIL: 18-cv-3204).

CONCLUSION

For the reasons set forth above, the Court **GRANTS** the Motion for Summary Judgment filed by Spire STL Pipeline LLC as to Count I. There remain no questions of fact. Indeed, it is undisputed that the estimated appraisal of Turman's 3.25 acres more or less of land within Jersey County, Illinois was \$21,409.00 and that said amount, along with the applicable interest of \$476.00, was disbursed on Turman's behalf. It is further undisputed that Turman concedes this entry of summary judgment.

Accordingly, this Court finds as follows:

- (1) Just compensation for Count I is established at \$21,409.00;
- (2) Spire STL tendered full payment in the amount of \$21,409.00 plus interest of \$476.00 on behalf of Turman in early 2020; therefore, no additional amount is due Turman from Spire STL;
- (3) The Easement by Condemnation³ is granted and shall be recorded by Spire STL Pipeline LLC in Jersey County;
- (4) The Clerk of Court shall disperse all remaining funds deposited with the Registry of the Court, plus interest accrued to date to Spire STL Pipeline LLC at 700 Market Street, 6th Floor, St. Louis 63101.
- (5) Judgment to be entered as no further action remains.

IT IS SO ORDERED.

DATED: **July 10, 2023**

/s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge

³ The original has been executed by this Court and will be forwarded to counsel.